

II. REMARKS

This Amendment and Remarks are in reply to the Final Office Action mailed May 11, 2005 (the "Final Office Action") and Advisory Action, mailed August 17, 2005.

Claims 1-7 and 9-13 were pending in the Application prior to the outstanding Final Office Action. The Final Office Action rejected claims 1-7 and 9-13. Applicants filed a Pre-Appeal Brief, mailed on September 2, 2005 and the Review Panel rejected all of the pending claims in its Notice of Panel Decision from the Pre-Appeal Brief Review, mailed October 4, 2005 (the "Notice"). The Notice instructed Applicants to proceed to the Board of Patent Appeals and Interferences with an Appeal Brief. Applicants instead have opted to file this RCE to re-open prosecution, amend the claims, and present the following Remarks for the Examiner's consideration.

Applicants believe that the above amendments and the following Remarks address the Examiner's arguments and render patentable the subject matter presented in the amended claims. Applicants respectfully request reconsideration of the rejections and a Notice of Allowance.

A. Amendments to Claims

Claims 1, 2, 4-7, 9, 11, and 13 have been amended to add limitations that render patentable the subject matter of all pending claims, as explained in the Remarks that follow.

B. Response to Rejections

The Final Office Action rejected claims 1-2, 3, 5-7 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Slotte et al. (U.S. Patent No. 6,408,063; "Slotte"). The Final Office Action rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Slotte in view of Yamashita (U.S. Patent No. 6,470,196; "Yamashita") or Bremer (U.S. Patent No. 6,018,671; "Bremer") and further in view of Levy et al. (U.S. Patent No. 4,577,067; "Levy") or Saito (U.S. Patent No. 6,526,263; "Saito"). The Final Office Action rejected claims 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Slotte in view of Yamashita or Bremer and further in view of Zahavi et al. (U.S. Patent No. 6,577,859; "Zahavi"). The Final Office Action rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Slotte in view of Zahavi and further in view of Yamashita or Bremer. Applicants respectfully disagree.

The present invention discloses a system for a telephone that generates audible utterances for a remote listener in an ongoing, interactive conversation. Independent claim 1 as amended now reads as follows (without the above markup):

1. (Currently amended) A system for a telephone, comprising:
- (a) a mechanical device associated with a conversation representation;
 - (b) a memory, coupled to the mechanical device, for storing a conversation element associated with a conversation representation and representing an audible utterance for a remote listener in an ongoing, interactive conversation in a quiet mode of the system;
 - (c) a processor coupled to the memory and to the mechanical device and including an audio generator, the processor for generating the audible utterance in response to a user interaction with the mechanical device during a user's use of the quiet mode;
 - (d) a physical switch for use by the user to switch between said quiet mode and an active, direct audio input mode of the user, without putting the remote listener on hold, wherein the active, direct audio input mode, is configured to accept live vocalizations by the user into the telephone and to transmit the accepted live vocalizations through the telephone;
 - (e) a connection adapted to deliver signals appropriate for telephone transmission in either one of the quiet mode or the active, direct audio input mode; and
 - (f) a recording device for recording audio input into the memory, wherein said audio input becomes associated with a conversation representation.

The Examiner will note that independent claims 1, 7, and 13 each have been amended similarly, so that each of these independent claims as amended now claim the following limitations:

- A. The conversation is "ongoing, [and] interactive," *i.e.*, occurs in real-time without a user or remote listener being put on hold;
- B. A switch for a user to switch from a quiet mode to an active, direct audio input mode, without putting a remote listener on hold. In the quiet mode, the user transmits audible utterances to a remote listener without producing audible content where the user is situated. In the active, direct audio input mode, the user speaks into the phone to the remote listener.
- C. A connection that delivers signals appropriate for telephone transmission of either one of the quiet mode and the active, direct audio input mode.

- D. A recording device to allow a user to record audio input into the memory to become associated with a conversational element, which in turn is associated with a conversation representation.

Support for the above amendments can be found, for example, in the specification at pages, 12-15, 18, 20, 22, 29, 30, Figs. 3, 5, 15, and others. Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest each of the limitations in independent claims 1, 7, and 13 as amended. Accordingly, each of the independent claims as amended, and each of the dependent claims, are allowable over the cited art. Reconsideration of the rejections and a Notice of Allowance respectfully are requested.


III. CONCLUSION

In light of the above, it is respectfully submitted that currently pending claims 1-2, 4-7, and 9-13 are allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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